

Appl. No.: 09/802,476
Amdt. Dated: 11/03/04
Off. Act. Dated: 08/03/04

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Objection to the Specification**

The Examiner has objected to the title of the invention as being non-descriptive. Applicants respectfully disagree. The title of the invention, "Core Assisted Mesh Protocol for Multicast Routing in Ad-Hoc Routing in Multicast Networks" is technically accurate and descriptive of the invention to which the claims are directed, as required by M.P.E.P §606.

2. **Objection to Drawings.**

Page 2 of the Office Action dated August 3, 2004 states that informal drawings were filed with the application. However, Figures 1-22 comply with formal drawing requirements. Applicants respectfully request the Examiner provide specific objections to the drawings, if any such objections exist.

3. **Rejection of Claims 10 and 11 under 35 U.S.C. § 102(e).**

Claims 10 and 11 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by McCanne (U.S. No. 6,611,872). Such rejection is traversed as follows:

Applicants submit herewith the declaration of J.J. Garcia-Luna-Aceves under 37 C.F.R. § 131, demonstrating that the Applicants conceived and reduced to practice the invention of Claims 1-12 prior to the June 1, 1999 filing date of the McCanne reference. Applicants have also submitted, as Appendix A, a copy of a published article written by the Applicants evidencing the prior conception and reduction to practice of the subject claims at least by the date of March 21-25, 1999. The article was written less than a year before the filing of U.S. provisional application serial number 60/188,382 filed on March 10, 2000, from which the present application claims priority. Therefore, the McCanne reference is not a proper reference under 35 U.S.C. § 102(e) and must be withdrawn.

Therefore, the Applicant respectfully submits that Claims 10 and 11 are not

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anticipated by the cited references and that the rejection of Claims 10 and 11 under 35 U.S.C. § 102(e) be withdrawn.

4. Rejection of Claims 1-9 and 12 under 35 U.S.C. § 103(a).

Claims 1-9 and 12 were rejected under 35 U.S.C. § 103(a) as being allegedly being unpatentable over McCanne (U.S. No. 6,611,872) in view of Pan (U.S. No. 6,615,273). Such rejection is traversed as follows:

a. Claims 1-9

As explained above, the McCanne reference as the Applicants have demonstrated conception and reduction to practice of the invention prior to the filing date of the McCanne reference. As Pan does not disclose all the elements of independent Claim 1, the rejection of Claim 1 (and dependent Claims 2-9) under § 103(a) is improper, and should be removed.

Even assuming, *arguendo*, that the McCanne reference is a valid reference, the Examiner has not established a *prima facie* case of obviousness with respect to Claims 1-9. Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art" (See *In re Keller*, 208 U.S.P.Q. 871 (CCPA 1981)), but it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." Thus, "teachings of references can be combined only if there is some suggestion or incentive to do so." Here, the Examiner simply states that McCanne teaches "a shared multicast mesh of routers for each multicast group, multiple paths are established between any two routers for each multicast group, and forwarding packets from a source connected within a multicast mesh" and that Pan teaches, "forwarding packets from a source connected within the multicast mesh of the group along the reverse shortest path to the receiver." Office Action, page 3. The Examiner asserts that and that it would have been obvious to combine the teachings because "it would have increased the overall system efficiency and performance by reducing network latency and processing time.

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However, the above assertion is insufficient motivation to combine the teachings, as the Examiner has relied upon hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. In addition, only the benefits of the Pan reference itself are provided as motivation for the combination. Yet, the mere fact that the references individually disclose certain advantages does nothing to "explain the reasons one of ordinary skill in the art would have been motivated to *select the references and to combine them* to render the claim obvious." *In re Rouffet*, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998, emphasis added). Because no suggestion or motivation to combine the McCanne reference with the Pan reference has been provided, the rejection of Claim 1 (and dependent Claims 2-9) is improper and should be withdrawn.

b. Claim 12

For many of the reasons stated above for Claims 1-9, rejection of Claim 12 under § 103(a) over the McCanne and Pan references is improper. In addition, Claim 12 recites additional elements that are not recited in Claims 1-9. For example, Claim 12 recites "transmitting heartbeat messages whenever traffic arrives through a path from the source that is not the reverse shortest path, wherein the heartbeat message is configured to trigger a push join to correct routing." The above element is absent from both of the McCanne or Pan references, whether viewed individually or in combination. In addition, the Office Action fails to address the above element of Claim 12, and has not pointed to any instances in the references that teach or suggest "transmitting heartbeat messages whenever traffic arrives through a path from the source that is not the reverse shortest path," nor a "heartbeat message is configured to trigger a push join to correct routing." Hence, rejection of Claim 12 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

5. Conclusion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is

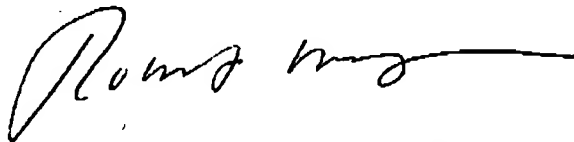
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respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

Date: 11/3/04

Respectfully submitted,



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